

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6239**

**BILL NUMBER:** HB 1034

**NOTE PREPARED:** Jan 28, 2003

**BILL AMENDED:** Jan 23, 2003

**SUBJECT:** ADR Pilot Project.

**FIRST AUTHOR:** Rep. Pond

**FIRST SPONSOR:** Sen. Long

**BILL STATUS:** As Passed - House

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

(A) It permits a county to operate an alternative dispute resolution program for domestic relations cases if the county: (1) uses a plan submitted to the Judicial Conference; and (2) obtains approval by a majority of the judges in the county exercising jurisdiction over domestic relations and paternity cases.

(B) It permits a senior judge to serve as a domestic relations mediator.

(C) It prohibits a court from ordering or referring parties into mediation if a party is currently charged with or convicted of certain crimes.

(The introduced version of this bill was approved by the Commission on Courts.)

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Provision B* potentially increases the costs to the state General Fund if senior judges are appointed to perform as mediators in domestic relations cases. The added costs would depend on the number of counties that offer alternative dispute resolution in domestic relations cases, the number of senior judges who are appointed by the Indiana Supreme Court, and the number of senior judges who would be willing to undergo training as a mediator.

Senior judges are individuals who have formerly served as trial court judges in Indiana. They are certified by the Indiana Judicial Nominating Commission and may be appointed if requested by a trial court to assist

in a certain number of cases. A senior judge is entitled to \$50 per diem and reimbursement for mileage and reasonable expenses incurred in performing service as a senior judge, including but not limited to meals and lodging..

For FY 2001, the Indiana Supreme Court reported that 65 senior judges worked on average 61 days and received \$784,020 for per diem payments and expenses.

### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Provision A:* Allen County Circuit and Superior Courts operated an alternative dispute resolution program for parties involved in marriage dissolutions. The program was originally created in 1997, and its authorization expired on July 1, 2002. Alternative dispute resolution programs use mediation, reconciliation, and parental counseling to assist parties in the dissolution actions to resolve their differences in a more cooperative manner.

This program was funded by a \$20 fee that was added to the filing fee for domestic relations cases. Parties who asked for a waiver of filing fees were given special consideration. Since the program began, the court has collected \$76,360 and has paid \$74,610 for mediation services, facilitator services, consulting services and counseling, and promotional and miscellaneous expenses. This bill would allow the Allen County courts to continue to assess this additional \$20 fee to continue funding this program.

A followup study being submitted to the Indiana Judicial Center concludes that over two-thirds of the cases mediated reached a partial or full settlement. This reduces court time and leads to better control of the court calendar.

**Explanation of Local Revenues:** (Revised) *Provision A* would permit courts to operate an alternative dispute resolution program. If these courts are permitted by the Indiana Judicial Conference to operate an alternative dispute resolution program, the court would be permitted to collect an additional \$20 fee on all filings for legal separation, paternity, or dissolution of marriage action. Implementation of a program could potentially improve movement of cases in the local court systems and reduce delay in the issuance of dissolutions.

*Note:* Under current law, courts charge the following fees for civil cases involving divorces: a civil filing fee, an automated record keeping fee, and a document storage fee. Under this bill, a county establishing an alternate dispute resolution program for domestic relations cases could also charge an additional fee to fund a local program. At a fee of \$127, a residual of \$18 would be available for this program after accounting for the fees mandated in statute.

| Fee                          | Code Cite       | Amount       |
|------------------------------|-----------------|--------------|
| Civil Costs Fee              | IC 33-19-5-4    | \$100        |
| Automated Record Keeping Fee | IC 33-19-6-19   | \$7          |
| Document Storage Fee         | IC 33-19-6-18.1 | \$2          |
| <i>Added County Fee</i>      |                 | <u>\$18</u>  |
| Total Fee                    |                 | <u>\$127</u> |

**State Agencies Affected:** Indiana Judicial Conference.

**Local Agencies Affected:** Allen Circuit Court.

**Information Sources:** Judge Thomas Felts, Allen Circuit Court.

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